

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of ) MM Docket No. \_\_\_\_\_  
 )  
Amendment of Section 73.606(b) ) RM- \_\_\_\_\_  
Table of Allotments )  
Television Broadcast Stations )  
to assign Channel 38 )  
to Bend, Oregon )

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TO: Victoria McCauley, Chief  
Allocations Branch, Policy and Rules Division  
Mass Media Bureau

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

PETITION FOR RULE MAKING

1. Pursuant to Section 1.401(d) of the Commission's Rules, 3-J Broadcasting Company ("3-J") hereby requests that the Commission's Television Table of Allotments set forth in Section 73.606 of its Rules be amended so as to allot Channel 38 to Bend, Oregon. The current and proposed allocations for Bend in Section 73.606 would thus appear as follows:

<u>Community</u>	<u>Current</u>	<u>Proposed</u>
Bend	*3+, *15, 21+	*3+, *15, 21+, 38

In addition, as set forth below, 3-J also requests a waiver of the "Freeze Order", Advanced Television Systems, Mimeo No. 4074, released July 17, 1987. In support hereof the following is shown:

2. Submitted herewith is an Engineering Statement prepared by McClanathan and Associates, Inc. for 3-J. That Statement establishes that Channel 38 can be allotted to Bend consistently with the Commission's Rules.

3. Bend clearly warrants the proposed allotment. Bend

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is a community located in central Oregon with an estimated 1992 population of approximately 24,715, according to the Bend Chamber of Commerce. <sup>1/</sup> Bend is the county seat for Deschutes County (1990 Census population - 74,958; estimated 1992 population - 82,600). Bend has its own City Manager/Commission form of government, with a hired City Manager and seven elected Commissioners. It has its own police (41 officers, 23 staff) and fire (51 paid staff, 33 volunteers, four stations) departments, its own municipal water system, and five postal ZIP codes. It also has two libraries (including the Deschutes County Library), a 181-bed medical center, 33 city parks, eight banks and three savings and loan associations. The Bend/Lapine School District #1 has two high schools, three middle schools, and ten elementary schools; there are also eight other private or parochial schools, as well as Central Oregon Community College, in Bend. Area businesses include various manufacturing companies (including numerous companies producing wood-related products), high tech firms (including a manufacturer of semiconductors), and other businesses.

4. Bend has one daily newspaper and two weeklies. Nine radio stations are presently licensed to Bend. However, Bend currently has no local competitive commercial television voice: only one commercial and one noncommercial television

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<sup>1/</sup> According to 1990 Census statistics, Bend's population was 20,469. That number has increased substantially, in part because of the annexation of certain land which resulted in the addition of 1,500 residents to Bend's population.

station are licensed to Bend. Thus, allocation of Channel 38 to Bend would create the possibility of a competitive commercial television voice for that community.

5. 3-J notes that Bend is located 194.1 kilometers from the Portland, Oregon reference coordinates. As a result, Bend is subject to the Freeze Order. As set forth in the accompanying Engineering Statement, however, the proposed allotment would not have any preclusive effect on existing or potential television channel allocations to Portland. To the contrary, of the 19 channels involved (i.e., Channels 23, 24, 30, 31, 33-43, 45, 46, 52 and 53), all but Channel 38 (i.e., the subject of the instant proposal) have distance clearance to the Portland reference coordinates and would thus cause no preclusion to allocations to Portland. Channel 38 is itself already precluded from allocation to Portland by three existing channel allocations to Portland -- Channel 24 (presently licensed to Station KNMT(TV), Portland), Channel 30 and Channel 40. Thus, the proposed allotment would not preclude use of Channel 38 in Portland, as such use is already precluded. See Letter to KMTR, Inc., Ref. 8940-MLB, March 5, 1990 (Chief, Mass Media Bureau).

6. Moreover, also as set out in the accompanying Engineering Statement, a study of television channels 14 through 69 for Portland demonstrates that the 12 MHz adjacent channel pairs 58-59, 65-66 and 68-69 are available for allocation to Portland. The proposed allotment of Channel 38 to Bend would have no effect on these channels. It appears, therefore, that

the proposed allotment can be made without unduly limiting the spectrum allocation options for advanced television use in Portland or otherwise undermining the prophylactic goals underlying the Freeze Order. For these reasons 3-J requests that the Freeze Order be waived to the extent necessary to permit the proposed allotment.

7. 3-J hereby represents that it will apply for authorization to construct and operate a television station on Channel 38 at Bend if the Commission allots that channel to that community.

WHEREFORE, for the reasons stated, 3-J Broadcasting Company respectfully requests that the Commission amend the Television Table of Allotments to include the allotment of Channel 38 to Bend, Oregon.

Respectfully submitted,

*Ann C. Farhat*

/s/ Ann C. Farhat  
Ann C. Farhat

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Counsel for 3-J Broadcasting Company

June 27, 1994

**McCLANATHAN and ASSOCIATES, INC.**

PROFESSIONAL ELECTRICAL ENGINEERS  
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**ENGINEERING STATEMENT**

for

**3-J BROADCASTING COMPANY**

concerning

**PETITION FOR RULE MAKING**

and

**REQUEST FOR WAIVER OF  
TV "FREEZE" ORDER RM-5811**

This statement and attached exhibits have been prepared for 3-J Broadcasting Company (3-J) relative to a petition to amend the TV Table of Assignments 47 C.F.R. Section 73.606(b) of the Rules and Regulations. This petition requests that TV channel 38 be added to Bend, Oregon as its fourth TV allocation and second commercial allocation. 3-J respectfully requests a waiver of the TV "freeze" Order, RM-5811, adopted July 16, 1987, MM Docket 87-268, to permit filing of this petition for rule making.

Principal City: Bend, Oregon

Location: North Latitude 44 - 03 - 30  
West Longitude 121 - 18 - 30

Existing Allocations: \*3+, \*15, 21+

Proposed Allocations: \*3+, \*15, 21+, 38

Exhibit E-1 is an allocation spacing study showing that the proposed TV channel 38 complies with all minimum separation requirements of 47 C.F.R. Section 73.610 of the Rules and Regulations.

Bend, Oregon is located 194.1 kilometers from the Portland, Oregon reference co-ordinates and is therefore within the minimum co-channel separation distance from Portland. A TV spacing study was conducted to determine what effect, if any, that the proposed channel 38 allocation would have on TV channel allocations in Portland, Oregon. Portland is one of the 30 listed cities in the Appendix to the July 16, 1987 TV "freeze" Order.

Exhibit E-2 is a TV spacing study demonstrating that the allocation of channel 38 to Bend, Oregon will have no preclusion effect on TV channel allocations to Portland, Oregon. This Exhibit E-2 shows the spacing results for all 19 channels that require study. These are channels 23, 24, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 45, 46, 52 and 53. All of the 19 channels, except the co-channel 38, have distance clearance from the Portland reference coordinates point and will cause no preclusion effect on allocations to Portland, Oregon.

Channel 38 is presently precluded from allocation to Portland by the following licensed station and allocations.

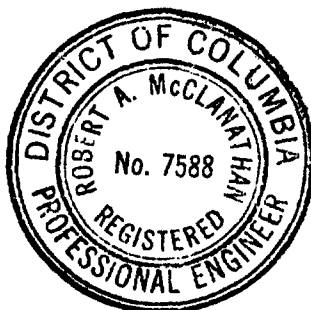
Ch. 24 Licensed to KNMT, Portland, OR  
Ch. 30 Allocated to Portland, OR  
Ch. 40 Allocated to Portland, OR

A complete study of TV Channels 14 through 69 for Portland, Oregon has determined that the 12 MHz adjacent channel pairs 58-59, 60-61, 65-66 and 68-69 are available for allocation to Portland. The allocation of Channel 38 to Bend, Oregon will have no effect on these channels.

The attached TV spacing studies demonstrate that the allocation of the proposed channel 38 to Bend, Oregon will not have any preclusion effect on any channel allocation to Portland, Oregon. It is therefore requested that a waiver of the "freeze" Order be granted to permit acceptance of the petition for rule making to add TV channel 38 to serve Bend, Oregon as it's second commercial TV allocation.

If this petition is granted by the FCC, the petitioner will immediately tender an application for a construction permit to build the TV facility for operation on channel 38.

Respectfully submitted,



Robert A. McClanathan, P.E.  
McClanathan and Associates, Inc.  
Professional Electrical Engineers  
P.O. Box 939  
Portland, OR 97207

May 27, 1994

# EXHIBIT E-1

McClanathan & Associates, Inc.  
Portland, Oregon

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## TV Spacing Study

TITLE: BEND, OR  
Channel 38 Zone II  
Database: DW 05/09/94

Latitude: 44-03-30  
Longitude: 121-18-30  
Safety zone: 290 km

Call	Auth	Licensee name	Chan	ERP	HAAT-m	Latitude	BR-to	Dist.	Req.
City of License	St	FCC File No.	Zone	(kW)	HAMSL	Longitude	-from	(km)	(km)
KMTZ	LIC	KMTR, INC.	23 +	14.8	155	43-23-26	252.8	239.1	119.9
COOS BAY	OR	BLCT-910502KE	II	DA	283	124-07-47	70.9	119.2	CLEAR
Was KVPP 03/11/91 Per FCC release #153 dated 03/08/91; Horizontal polarization; DA: Andrew ATW8LI-HSB-23 @ 0 deg									
KMTZ	APP	KMTR INCORPORATED	23 +	12.4	190	43-23-39	253.0	239.2	119.9
COOS BAY	OR	BMPCT-901113KG	II	DA	314	124-07-56	71.0	119.3	CLEAR
Horizontal polarization; DA: Andrew ATW8LI-HSB-23 @ 230 deg									
KNDO	LIC	COLUMBIA EMPIRE BCG C	23 +	501	293	46-31-59	12.5	282.1	119.9
YAKIMA	WA		II			120-30-26	193.1	162.2	CLEAR
KNMT	LIC	NATIONAL MINORITY TV	24 +	2710	463	45-30-58	325.8	197.4	95.70
PORTLAND	OR	BLCT-891205KH	II	DABT	553	122-43-59	144.7	101.7	CLEAR
Electrical BT: .75 degrees; DA: Andrew ATW30H3-HSC-24 @ 120 deg									
ALLOC			*30 o			45-32-06	328.2	194.2	31.40
PORTLAND	OR		II			122-37-12	147.3	162.8	CLEAR
Filing window Closing date:									
ALLOC	GRANTED	EFF 4/17/87	30 +			42-26-06	222.8	243.4	31.40
GRANTS PASS	OR	DOC-86-319	II			123-19-18	41.1	212.0	CLEAR
Filing window Closing date:									
KDKF	LIC	SODA MOUNTAIN BCG., I	31 o	6.00	691	42-05-50	187.0	219.5	95.70
KLAMATH FALLS	OR	BLCT-891026KE	II	DABT	2005	121-37-59	6.8	123.8	CLEAR
Electrical BT: 1.25 degrees; Horizontal polarization; DA: Scala SL-8 @ 320 deg									
KTNW	LIC	WASHINGTON STATE UNIV	*31 o	70.5	370	46-06-23	36.1	285.0	95.70
RICHLAND	WA	BLET-910508KE	II	DA	17	119-07-50	217.7	189.3	CLEAR
DA: Bogner B84UB @ 0 deg									
KEVU	LIC	TELECASTERS OF EUGENE	34 o	3070	259	44-00-04	268.1	144.3	31.40
EUGENE	OR	BLCT-910920KH	II	DA	457	123-06-22	86.8	112.9	CLEAR
Elliptical polarization; DA: Jampro JSM24/34-L100 @ 10 deg									
KAPP	LIC	APPLE VALLEY BROADCAST	35 o	646	293	46-31-57	12.5	282.0	31.40
YAKIMA	WA		II			120-30-37	193.1	250.6	CLEAR
LICENSE RENEWAL RECINDED									

McClanathan & Associates, Inc.  
Portland, Oregon

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May 16, 1994

TV Spacing Study

TITLE: BEND, OR  
Channel 38 Zone II

Latitude: 44-03-30  
Longitude: 121-18-30

Call	Auth	Licensee name	Chan	ERP	HAAT-m	Latitude	BR-to	Dist.	Req.
City of License	St	FCC File No.	Zone	(kW)	HAMSL	Longitude	-from	(km)	(km)
KLSR-TV CP	METROCOM OF OREGON, I	36 o 43.0	211	43-14-09	241.2	186.3	31.40		
ROSEBURG	OR BPCT-900413KH	II	DABT	480	123-19-16	59.9	154.9	CLEAR	
CP Granted 01/16/92 Per FCC release #21298 dated 01/22/92;									
Electrical BT: .75 degrees; Horizontal polarization;									
DA: Andrew ALP12L2-HSPR36 @ 250 deg									

ALLOC	SITE RESTRICTION 1 MI	39 o	46-34-19	345.3	289.3	87.70			
MORTON	WA DOC-83-481	II	122-16-07	164.6	201.6	CLEAR			
Filing window Closing date:									

ALLOC	OR	40	45-32-06	328.2	194.2	31.40			
PORTLAND	OR	II	122-37-12	147.3	162.8	CLEAR			
Filing window Closing date: ; COORDINATES ASSUMED									

KHCV	CP	ALLEN E HOM	45 + 5000	393	47-32-41	351.2	392.5	95.70	
SEATTLE	WA BPCT-840809KL	II	DA	122-06-28	170.6	296.8	CLEAR		
CP Granted 03/27/87; Call Granted 10/02/89 Per FCC release #119 dated 10/10/89									

KMTX-TV CP	KMTR, INC.	46 o 9.82	109	43-12-22	240.9	191.1	31.40		
ROSEBURG	OR BPCT-881021KG	II	DABT	374	123-21-56	59.5	159.7	CLEAR	
CP Granted 01/15/92 Per FCC release #21321 dated 02/25/92;									
Horizontal polarization; DA; Scala SL8 @ 220 deg									

>> End of Channel 38 Study <<

# EXHIBIT E-2

McClanathan & Associates, Inc.  
Portland, Oregon

May 23, 1994

## TV Spacing Study

TITLE: PORTLAND, OR  
Channel 38 Zone II  
Database: FCC 02/17/94

Latitude: 45-32-06  
Longitude: 122-37-12  
Safety zone: 160 km

Call	Auth	Licensee name	Chan	ERP	HAAT-m	Latitude	BR-to	Dist.	Req.
City of License	St	FCC File No.	Zone	(kW)	HAMSL	Longitude	-from	(km)	(km)

KNDO	LIC	COLUMBIA EMPIRE BROAD	23 +	501	293	46-31-59	55.0	197.6	119.9
YAKIMA	WA		II	DA	646	120-30-26	236.5	77.74	CLEAR

Horizontal polarization; DA: Jampro ODDKNDO @ 0 deg

KMTZ	LIC	KMTR, INC.	23 +	12.3	190	43-23-39	207.3	266.6	119.9
COOS BAY	OR	BLCT-910502KE	II	DA	314	124-07-56	26.2	146.7	CLEAR

Horizontal polarization; DA: Andrew ODD910502KE @ 0 deg

KNMT	LIC	NATIONAL MINORITY TEL	24 +	2690	463	45-30-58	256.6	9.079	95.70
PORTLAND	OR	BLCT-891205KH	II	DA	553	122-43-59	76.5	-86.6	SHORT

Horizontal polarization; DA: Andrew ODD891205KH @ 0 deg

ALLOC			*30 o			45-31-06	247.2	4.779	31.40
PORTLAND	OR		II			122-40-35	67.1	-26.6	SHORT

Filing window Closing date:

KEVU	LIC	TELECASTERS OF EUGENE	34 o	3090	259	44-00-04	192.9	174.7	31.40
EUGENE	OR	BLCT-910920KH	II	DA	457	123-06-22	12.5	143.3	CLEAR

Elliptical polarization; DA: Jampro ODD910920KH @ 0 deg

ALLOC			38 o			49-23-00	11.3	437.1	280.8
HOPE	BC		II			121-26-00	192.2	156.3	CLEAR

Filing window Closing date:

ALLOC			39 o			46-34-19	13.1	118.4	87.70
MORTON	WA	DOC-83-481	II			122-16-07	193.4	30.72	CLEAR

Filing window Closing date: ; SITE RESTRICTED-EFFECTIVE 2-27-84

ALLOC			40 -			45-32-06	.0		31.40
PORTLAND	OR		II			122-37-12	.0	-31.4	SHORT

Filing window Closing date:

KHCV	CP	NORTH PACIFIC INTERNA	45 +	5000	393	47-32-41	9.8	226.8	95.70
SEATTLE	WA	BPCT-921130LF	II	DA	517	122-06-28	190.1	131.1	CLEAR

Horizontal polarization; DA: Bogner ODD921130LF @ 0 deg

KHCV	APP	NORTH PACIFIC INTERNA	45 +	77.6	304	47-36-17	5.4	231.1	95.70
SEATTLE	WA	BMPCT-920311KE	II		341	122-19-46	185.6	135.4	CLEAR

Horizontal polarization

>> End of Channel 38 Study <<